

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

AVRAHAM EISENBERG,

Plaintiff,

v.

NUMERIS LTD.; SASHA IVANOV; and
DOES 1-10,

Defendants.

Civil Action No. 3:22-cv-01325-GMM

**PLAINTIFF'S AMENDED SUBMISSION IN RESPONSE
TO THE COURT'S APRIL 16, 2024 ORDER (DKT. 49)**

Plaintiff Avraham Eisenberg respectfully submits this amended response to the Court's Order (Dkt. 49), filed April 16, 2024, requesting information as to what actions have been taken to diligently prosecute the above-captioned action without delay. Plaintiff is also filing this amended response pursuant to the April 19, 2024 Notice of Docket Text Modification by Deputy Clerk, requesting that Plaintiff re-file his status report with local counsel's electronic signature.

For the reasons set forth below, Plaintiff maintains that he has prosecuted this action to the most diligent extent possible given the substantial obstacles he has encountered since commencing the litigation, which include (i) Defendants' repeated evasion of service of process; and (ii) Plaintiff's confinement in federal custody since December 27, 2022. Although Plaintiff continues to be the subject of criminal proceedings, Plaintiff has recently completed trial and intends to continue prosecuting the above-referenced case aggressively.

ARGUMENT & AUTHORITIES

Plaintiff filed the Complaint in this action on July 6, 2022, alleging that Defendants improperly used mechanisms related to blockchain and associated trading platforms, causing him

to suffer damages in excess of \$14 million. From commencement of the action through March 2023, Plaintiff filed multiple motions with the Court, directed not only to facilitating service of process on Defendants (who, as set forth in various motions, appeared to be actively evading service), but also to restricting Defendants' ability to dissipate Plaintiff's funds. Indeed, as recently as March 2023, this Court recognized the difficulties encountered by Plaintiff in serving defendants through no fault of his own, granting his motion to extend time for service of process. *See ECF Nos. 36, 38*. Despite these evasion efforts, Plaintiff succeeded in serving a summons and complaint on defendant Corbital LLC on March 1, 2023, yet Corbital has failed to answer the complaint. *See ECF Nos. 39, 40*.

Unfortunately, Plaintiff has been frustrated in his ability to prosecute this action due to his confinement in federal custody since December 27, 2022, where he was awaiting trial in the matter entitled *USA v. Eisenberg*, Case No. 1:23-cr-00010-AS, in the United States District Court for the Southern District of New York. Plaintiff's confinement has rendered contact with his attorneys increasingly difficult, especially as his trial has approached and he has been forced to focus exclusively on his defense. Nevertheless, trial concluded in late April, and Plaintiff intends to resume prosecuting this matter aggressively to resolution.

April 30, 2024

Respectfully submitted,

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**COUNSEL FOR PLAINTIFF
AVRAHAM EISENBERG**

CERTIFICATE OF SERVICE

I certify that on April 30, 2024, the foregoing document has been filed with the Clerk via the Court's CM/ECF system and served on all counsel of record who are deemed to have consented to electronic service per Rule 5(b) and LR 5(b).

By: s/Cortland C. Putbrese
Cortland C. Putbrese